

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALLEN HAMMLER,

Plaintiff,

v.

RALPH DIAZ, *et al.*,

Defendants.

Case No. 2:20-cv-01890-JDP (PC)

ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND COMPLAINT

ECF No. 9

THIRTY-DAY DEADLINE

Plaintiff Allen Hammler is a state prisoner proceeding without counsel in this civil rights action brought under 42 U.S.C. § 1983. Plaintiff filed this action on September 21, 2020. ECF No. 1. Before the court screened his complaint or decided his motion to proceed in forma pauperis, plaintiff moved to amend his complaint. ECF No. 9. The Federal Rules of Civil Procedure permit plaintiff to amend his complaint as a matter of course before service of a responsive pleading. *See* Fed. R. Civ. P. 15(a). Accordingly, his motion to amend is granted. He must file his amended complaint within thirty days of this order's entry.

In his motion to amend, plaintiff states that he was unable to make a copy of the original complaint before mailing it to the court. ECF No. 9 at 3. He argues that he cannot file an amended complaint without referencing the original and asks that a copy be sent to him. *Id.* The Clerk's Office responded to that request by informing plaintiff that copies would be provided at a

1 cost of fifty cents a page. The court will direct that a copy of the original complaint be sent to
2 plaintiff with this order as a one-time courtesy. In the future, plaintiff will have to pay for any
3 copies that he requests.

4 It is ORDERED that:

5 1. Plaintiff's motion to amend complaint (ECF No. 9) is GRANTED.

6 2. Plaintiff should file his amended complaint within thirty days of this order's entry.

7 He is advised that his amended complaint will supersede his original.

8 3. The Clerk of Court shall include a copy of the original complaint (ECF No. 1) with
9 this order.

10 IT IS SO ORDERED.

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12 Dated: December 4, 2020

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14 JEREMY D. PETERSON
15 UNITED STATES MAGISTRATE JUDGE
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